

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRACY WHITAKER : CIVIL ACTION

v. :

FRANK D. GILLIS, THE DISTRICT :  
ATTORNEY OF THE COUNTY :  
OF DELAWARE and THE :  
ATTORNEY GENERAL OF THE :  
STATE OF PENNSYLVANIA : NO. 99-4578

**ORDER**

**NOW**, this 28th day of June, 2018, upon consideration of the Motion for Relief Pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure (Document No. 16) and it appearing that the motion is a successive petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, it is **ORDERED** that the petition is **TRANSFERRED**, pursuant to 28 U.S.C. § 1631, to the Third Circuit Court of Appeals to determine whether the district court may consider petitioner's successive petition.

/s/TIMOTHY J. SAVAGE